

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

AMERICAN INTERNATIONAL GROUP,	)	
INC., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	No. 07 CV 2898
vs.	)	
	)	District Judge Robert W. Gettleman
ACE INA HOLDINGS, INC., <i>et al.</i> ,	)	
	)	Magistrate Judge Sidney I. Schenkier
Defendants.	)	

SAFECO INSURANCE COMPANY OF	)	
AMERICA, et al., individually and on behalf	)	
of a class consisting of members of the	)	
National Workers Compensation Reinsurance	)	No. 09 CV 2026
Pool,	)	
	)	District Judge Robert W. Gettleman
Plaintiffs,	)	
vs.	)	Magistrate Judge Sidney I. Schenkier
	)	
AMERICAN INTERNATIONAL GROUP,	)	
INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**AGREED MOTION TO MODIFY SCHEDULING ORDER**

Settlement Class Plaintiffs, AIG, Safeco and Ohio Casualty, and Liberty, all by their respective undersigned counsel, respectfully request that this Honorable Court modify Paragraph 11 of the August 5, 2011 "Findings and Order Certifying a Settlement Class and Preliminarily Approving Proposed Settlement" (D.E. 438) ("Scheduling Order"), and in support thereof state as follows:

1. The Notice of Proposed Class Action Settlement, Settlement Hearing, and Right to Appear ("Notice") disseminated to the class members on August 19, 2011 stated, in part, the following:

(a) counsel for the Settlement Class Plaintiffs and the class intend to apply for an award of attorneys' fees and costs based on customary hourly rates, plus a possible additional payment of \$50,000;

(b) the Settlement Class Plaintiffs may seek incentive compensation awards of \$25,000 each, totaling \$175,000 in the aggregate; and

(c) Safeco, Ohio Casualty, and Liberty Mutual intend to apply for an award of attorneys' fees and costs in excess of \$14 million.

(R. 440, Notice at 15.)

2. Paragraph 11 of the Scheduling Order provided, in relevant part, that "any Settlement Class Member that wishes to object . . . to any proposed award of attorneys' fees or incentive payments" must file with the Court and serve on Class Counsel and AIG's Counsel (as defined in the Notice) statements of objection by October 3, 2011. The Scheduling Order, however, did not provide for dates by which petitions for attorneys' fees and expenses, and for incentive awards, were to be filed.

3. Due to this omission, the undersigned parties respectfully request that the Court set a date by which such petitions must be filed, and suggest September 16, 2011. Any such petitions filed with the Court will then be made available on the Class Administrator's website so that class members will have the ability to access this information to inform their decisions whether to file any objections by the October 3, 2011 deadline. The moving parties believe that this is a fair procedure. The moving parties further understand that any petitions filed on September 16, 2011, or another date set by the Court, would be interim petitions for attorneys' fees and costs incurred through August 31, 2011, and that supplemental petitions may be filed in the future.

4. A "Proposed Order Setting Schedule for Filing Petitions for Attorneys' Fees and Expenses and Incentive Payments" is attached hereto as Exhibit A.

WHEREFORE, Settlement Class Plaintiffs, AIG, Safeco and Ohio Casualty, and Liberty all move this Honorable Court to enter an order requiring that any interim or final petitions for attorneys' fees, expenses, and incentive awards be filed by September 16, 2011, and for all other and further relief deemed appropriate by the Court.

Dated: August 29, 2011

Respectfully submitted,

ACE INA HOLDINGS, INC., AUTO-OWNERS  
INSURANCE CO., COMPANION PROPERTY &  
CASUALTY INS. CO., FIRSTCOMP INSURANCE  
CO., THE HARTFORD FINANCIAL SERVICES  
GROUP, INC., TECHNOLOGY INSURANCE CO.,  
and THE TRAVELERS INDEMNITY COMPANY

By /s/ Frederic R. Klein  
One of Their Attorneys

Frederic R. Klein  
William C. Meyers  
Kerry D. Nelson  
Nury R. Agudo  
GOLDBERG KOHN LTD.  
55 East Monroe Street, Suite 3300  
Chicago, IL 60603  
(312) 201-4000

Respectfully submitted,

AMERICAN INTERNATIONAL GROUP, INC., et  
al.,

By /s/ Stephen Novack  
One of Their Attorneys

Stephen Novack  
Andrew D. Campbell  
Rebekah H. Parker  
NOVACK AND MACEY LLP  
100 North Riverside Plaza  
Chicago, IL 60606  
(312) 419-6900

Michael B. Carlinsky  
Kevin S. Reed  
Jennifer J. Barrett  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
51 Madison Avenue  
22nd Floor  
New York, NY 10010  
(212) 849-7000

Respectfully submitted,

SAFECO INSURANCE COMPANY OF  
AMERICA & OHIO CASUALTY  
INSURANCE COMPANY

By /s/ Gary M. Miller  
One of Their Attorneys

Gary M. Miller  
Colin Murphy Seals  
Daniel M. Hinkle  
Gary M. Elden  
Matthew O'Neill Sitzler  
GRIPPO & ELDEN  
111 South Wacker Drive  
Suite 5100  
Chicago, IL 60606  
(312) 704-7700

Alexa H. O'Keefe  
Allison D. Burroughs  
Christopher H. Lindstrom  
Eric P. Magnuson  
Heather B. Repicky  
Michael A. Walsh  
NUTTER MCCLENNEN & FISH, LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 439-2324

Linda S. Mullenix  
722 Crystal Creek Drive  
Austin, TX 78746  
(512) 263-9330

Respectfully submitted,

LIBERTY MUTUAL INSURANCE  
COMPANY, LIBERTY MUTUAL FIRE  
INSURANCE COMPANY, LIBERTY  
INSURANCE CORPORATION, THE  
FIRST LIBERTY INSURANCE  
CORPORATION, EMPLOYERS  
INSURANCE COMPANY OF WAUSAU,  
WAUSAU BUSINESS INSURANCE  
COMPANY, WAUSAU GENERAL  
INSURANCE COMPANY AND  
WAUSAU UNDERWRITERS  
INSURANCE COMPANY

By /s/ James I. Rubin  
One of Their Attorneys

James I. Rubin  
Amy B. Kelley  
James A. Morsch  
Jason S. Dubner  
Mark A. Schwartz  
BUTLER RUBIN SALTARELLI & BOYD  
LLP  
Three First National Plaza  
70 West Madison Street  
Suite 1800  
Chicago, IL 60602  
(312) 444-9660

# **Exhibit A**

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Defendants.	)	

**PROPOSED ORDER SETTING SCHEDULE FOR FILING PETITIONS  
FOR ATTORNEYS' FEES AND EXPENSES AND INCENTIVE PAYMENTS**

On August 5, 2011, the Court entered its "Findings and Order Certifying a Settlement Class and Preliminarily Approving Proposed Settlement" (D.E. 438) ("Scheduling Order"). Among other things, the Scheduling Order provided that any "Settlement Class Member that wishes to object . . . to any proposed award of attorneys' fees or incentive payments" must file and serve statements of objection by October 3, 2011. (D.E. 438 at ¶ 11.)



The Court hereby ORDERS that any petitions for attorneys' fees and expenses (interim or final), or incentive payments, shall be filed with the Court and served on or before September 16, 2011.

SO ORDERED this \_\_\_ day of August, 2011.

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HONORABLE ROBERT W. GETTLEMAN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that on August 29, 2011, he caused a true and correct copy of **AGREED MOTION TO MODIFY SCHEDULING ORDER** to be served upon the parties of record via the Court's ECF/electronic mailing system.

/s/Frederic R. Klein